

Materials

on

LABOUR ARBITRATION

IN

CANADA

Volume 1

Storage KF 3423 M37 1988 v.1 rulty of Law ersity of Toronto

LAW LIBRARY

1953 Nov 1925

- 1

FEL 29 1933

FARE OF TERENTO

## WACULIA . EKI UNIVERSITA OF TURUNTO

Materials

on

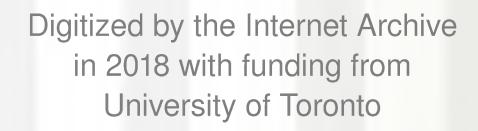
LABOUR ARBITRATION

JN

CANADA

Volume 1

Faculty of Law University of Toronto



https://archive.org/details/materialsonlabou01unse

## TABLE OF CONTENTS (volume 1)

Topic	1.	The Nature and Contents of the Collective Agreement	1
Topic	2.	The Grievance Procedure: Purpose and Machinery	10
Topic	3.	After Exhaustion of any Grievance Procedure, Why Not Ultimate Enforcement by Court Action or Strike?	23
Topic	4.	The Legislatures' Choice of Arbitration to Determine Grievances: The Statutory Quid Pro Quo and the Result in Collective Agreements	27
Topic	5.	Parties to the Processes of Determining Grievances	33
Topic	6.	The Nature of the Arbitrator's Function: Mediator, Judge, or Labour Relations Policy-maker?	40
Topic	7.	The Significance of the Parties' Past in Arbitral Reasoning	44
	Α.	Significance of the Parties' Past in Interpreting Written Terms of the Agreement	44
	В.	Significance of the Parties' Past in Barring Enforcement of Written Terms of the Agreement	45
	С.	Significance of the Parties' Past in Creating Enforceable Unwritten Terms of the Agreement	51
Topic	8.	The Significance of the General Law in Arbitral Reasoning	65
	Α.	Statute Law	65
	В.	Canadian Charter of Rights and Freedoms	66
	С.	Judge-Made Law	75
Topic	9.	The Significance of the Employer's "Unfair" or "Discriminatory" Conduct in Arbitral Reasoning	78
Topic	10.	The Significance of Previous Awards in Arbitral Reasoning	83
	Α.	Different Parties, Different Provisions, Same Issue	83
	В.	Same Parties, Same Provisions, Same Issue	84

Topic	11.	Remedial Power of Arbitrators
	Α.	Remedial Power After Determining Breach of Collective Agreement
	В.	Power to Rectify Collective Agreement Before Determining Breach
Topic	12.	Labour Arbitration Procedures
	Α.	An Overview
	В.	Sole Arbitrator or Tripartite Board?
	С.	Choosing the Sole Arbitrator or Board Members 103
	D.	Conduct of the Hearing
	Ε.	Evidence Problems at the Hearing
	F.	Argument
	G.	Considering, Drafting and Issuing the Award 123
	Н.	Criticisms of the Process, and Legislatures' Responses